

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MELANIE A. PHILBROOK,

Plaintiff,

v.

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

Civil Action No. 14-10766-DJC

ORDER

CASPER, J.

May 14, 2014

On March 10, 2014, Melanie A. Philbrook filed a civil complaint in which she seeks judicial review of the Commissioner of Social Security's denial of her application for Disability Insurance Benefits and Supplemental Security Income. Philbrook names the Social Security Administration and the Commissioner of the Social Security Administration as defendants. The plaintiff also seeks leave to proceed *in forma pauperis* and the appointment of counsel.

Accordingly:

1. The Clerk shall substitute Carolyn W. Colvin, Acting Commissioner of Social Security, as the sole defendant. See 42 U.S.C. § 405(g) (party seeking judicial review of the denial of Social Security benefits may file action against the Commissioner of Social Security).
2. The motion for leave to proceed *in forma pauperis* (D. 2) is GRANTED.
3. The motion for appointment of counsel (D. 3) is GRANTED insofar as the Court will make efforts to find pro bono counsel for the plaintiff. If the Court is unable to find pro bono counsel, the plaintiff will have to prosecute this action *pro se*. The Court's Pro Bono Coordinator shall, within forty-five days of the date of this Order, file a status report concerning efforts to find pro bono counsel for the plaintiff, if counsel has not been appointed before that time.

Further, pending the Court's search pro bono counsel, the plaintiff shall continue to

prosecute her case in all regards, including completing service of the summons and complaint, responding to any motions filed by the defendant, and complying with any court orders.

4. The Clerk shall issue summons and the United States Marshal shall serve a copy of the summons, complaint, and this order upon the defendant (with copies to the United States Attorney for the District of Massachusetts and the Attorney General of the United States) as directed by plaintiff with all costs of service to be advanced by the United States. Service must be completed within 120 days of the date of this order.

So ordered.

/s/ Denise J. Casper
United States District Judge